

Before the
Federal Communications Commission
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)
)
 REGIONET WIRELESS LICENSE, LLC) RM-9664
)
 Amendment of Part 80 of the)
 Commission's Rules Concerning)
 Automated Maritime)
 Telecommunications System Stations)

To: The Commission

Reply Comments of KM Communications, Inc.

KM Communications, Inc. ("KM"), by its counsel, and pursuant to Section 1.405(b) of the Commission's Rules, 47 C.F.R. § 1.405(b), submits these Reply Comments in reply to certain comments filed by various parties in response to the petition for rulemaking ("Petition") filed by RegioNet Wireless License, LLC ("RegioNet") in the above-captioned proceeding.¹

1. KM is the licensee of low power television ("LPTV") station WOCK-LP, Channel 13, Chicago, Illinois. As the licensee of a television Channel 13 station that potentially could be affected by any change in the Commission's rules governing Automated Maritime Telecommunications System ("AMTS") stations -- particularly the Commission's technical rules intended to preclude interference to existing Channel 13 stations -- and is entitled to protection

¹ See RegioNet Wireless License, LLC, Amendment of Part 80 of the Commission's Rules Concerning Automated Maritime Telecommunications System Stations, RM-9664, filed May 12, 1999.

under those rules², KM is an interested party in this proceeding. In comments filed in this proceeding,³ KM opposed the Petition for Rulemaking filed by RegioNet. KM asserted that the studies submitted by RegioNet are flawed in several respects; RegioNet's notification requirement proposal should be expanded; RegioNet's proposed survey plan is wholly inadequate; and the Commission should study reducing interference by co-location.⁴

2. All of the comments filed in this proceeding, with the exception of RegioNet's comment⁵, are in opposition to amending Part 80 of the Commission's rules concerning AMTS stations.⁶ The only party that supported the Petition was the proponent, an AMTS provider. Several of the comments filed are in agreement with KM, while proposing changes similar to that of KM. The major concern with all the parties that submitted comments in opposing the Petition is that there are many flaws in the methodology of the interference testing conducted by RegioNet. These flaws lead to unsubstantiated findings of non-interference upon which

² See Fred Daniel d/b/a Orion Telecom, DA 99-485, 14 FCC Rcd 3909 (Public Safety and Private Wireless Division 1999) ("Orion"). Orion establishes that existing LPTV stations on Channel 13, such as WOCK-LP, are entitled to interference protection from AMTS stations.

³ See Comments of KM Communications, Inc., filed July 16, 1999 ("KM Comments").

⁴ See KM Comments.

⁵ See Comments of RegioNet Wireless, LLC, filed July 16, 1999 ("RegioNet Comments").

⁶ See, e.g., Comments of North Texas Public Broadcasting ("NTPB"); Comments of Gateway Communications ("Gateway"); Comments of Dispatch Broadcast Group ("Dispatch Broadcast"); Comments of Oklahoma Educational Television Authority ("OETVA"); Comments of the National Association of Broadcasters ("NAB"); Comments of the Association for Maximum Service Television ("AMSTV").

RegioNet bases its claim for the elimination or amendment of the Commission's Rules.

3. KM submits this reply in order to emphasize that there is still a viable threat of interference to Channel 13 from AMTS stations. This threat is recognized by the overwhelming opposition to any substantive changes to the Commission's rules by all but one of the parties to this proceeding. RegioNet Comments point out that in the 17 years that the AMTS rules were adopted, there have not been any reported instances of interference.⁷ AMSTV agrees with KM's point⁸ that complaints of interference have not increased because viewers often change the channel or turn the TV off when the reception is disturbed by interference, as opposed to submitting a complaint with the Commission.⁹ KM suggests that the lack of complaints is a sign that the Commission's rules are serving their purpose, by preventing interference, and any change would be illogical.¹⁰

⁷ See RegioNet Comments at 1.

⁸ See KM Comments at 9.

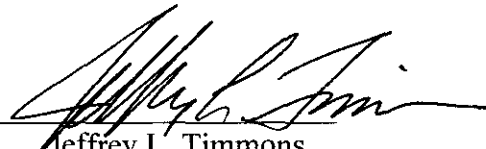
⁹ See AMSTV comments at 4.

¹⁰ See KM Comments at 2.

KM respectfully requests that in the event the Commission elects to adopt a Notice of Proposed Rulemaking in this proceeding, that the Commission consider the issues raised in opposing comments submitted by the parties in this proceeding or adopt rules which truly protect existing Channel 13 stations, and that the Commission proceed only after all engineering and technical studies have been conducted by the Commission (or other appropriate qualified independent testing body) as may be necessary to ensure that AMTS stations cause no interference to television Channel 13 stations.

Respectfully submitted,

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By: 
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Certificate of Service

I, Tamara Craig, hereby certify that on this 2nd day of August, 1999, copies of the foregoing " Reply Comments of KM Communications Inc." have been served by first class United States mail, postage prepaid, upon the following:

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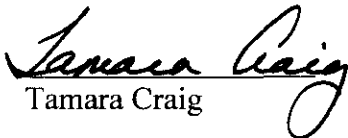
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